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INTELLECTUAL PROPERTY LAW
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To: USPTO

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Pages: (Including Cover Sheet)

Re: Chyan 15-6-9

Date: 1/28/02

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s) **Yih-Feng Chyan**
John Michael Hergenrother
Donald Paul Monroe

Case **15-6-9**

Serial No. **09/648,164**

Group Art Unit

2826

Filing Date **August 25, 2000**

Examiner **Dickey, Thomas L.**

Title **Architecture for Circuit Connection Of A Vertical Transistor**

TRAVERSAL TO REQUIREMENT FOR RESTRICTION

SIR:

In response to the restriction requirement of November 29, 2001,
Applicant provisionally elects Group I, Claims 1-19 with traverse. The restriction
must be withdrawn for the following reasons.

The restriction is in error because the Examiner has read undue limitations
into Applicant's claims. That is, the sole basis for the restriction is that the
Examiner believes the invention of claim 20 could be formed in a trench or on a
rounded surface while the invention of claim 1 cannot. This conclusion only
results from a very narrow and limiting construction of the claim language. The
fact that a layer having a major surface may be formed along a plane does not
imply that the semiconductor surface of claim 1 is any more limiting than the
semiconductor surface of claim 20, or that formation of the various elements in a
trench or on a rounded surface is precluded. A rounded surface may be formed
along a plane.

I hereby certify that this correspondence was
faxed to the the Commissioner of Patents and
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Moreover, none of the distinctions presented by the Examiner result in a materially different product. If the Examiner believes otherwise the Examiner should provide support for this position. Further, the Examiner can provide a more comprehensive search of relevant art by not segregating the claims. Since it is useful to search classes corresponding to both groups of claims for examination of each group, there is no real basis for separately examining the claims.

Notwithstanding the insufficiency of the restriction requirement, the claims of Group II are patentably distinct over the claims of Group I because they are directed to a method of fabricating a device, which is different from the claims describing a device or circuit structure.

For all of these reasons removal of the restriction requirement is required.

If the Examiner has any questions regarding this response, the Examiner is invited to contact the undersigned at the telephone number provided below.

Respectfully,



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